

FORTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 27, 1883. }

Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.
Roll called. Quorum present.
Prayer by the Chaplain.

On motion of Senator Matlock, the reading of yesterday's journal was dispensed with.

Senator Fowler presented a memorial of John M. Richardson, in behalf of the veteran soldiers of the Texas revolution.

Referred to Committee on Military Affairs.

Senator Perry presented two petitions from the citizens of Milam county, to allow the people to vote on a constitutional amendment prohibiting the importation, sale or manufacture of intoxicating liquors in the State of Texas.

Referred to Committee on Constitutional Amendments.

Senator Davis presented a petition of J. G. Anglen, and other citizens of Cook county, requesting a prohibition amendment to the Constitution.

Referred to Committee on Constitutional Amendments.

Senator Harris, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 280, entitled "An act to regulate the duties of telegraph companies, and to prescribe a penalty for the violation of the same," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRIS, for Committee.

Bill read first time.

Senator Stratton, chairman of Committee on Public Health, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Health, to whom was referred Senate bill No. 239, entitled "An act to create a State board of health, for the better protection of life and health, and the prevention and spread of diseases in the State of Texas," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

STRATTON, Chairman.

Bill read first time.

Senator Davis, chairman for Committee on Education, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 276, entitled "An act to amend article 3705 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 176, entitled "An act to amend the law relating to public free schools, so as to authorize children living outside of an incorporate city or town which may be an independent school district, to be entered in such city schools, and receive the benefit of their proportion of the State school fund," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment:

Strike out the words "under such regulations as may be prescribed by the State Board of Education."
All of which is respectfully submitted.

DAVIS, Chairman

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Education, to whom was referred Senate joint resolution No. 38, entitled "A joint resolution requesting Texas Senators and Representatives in Congress to support the 'Blair bill,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table.

All of which is respectfully submitted.

DAVIS, Chairman.

Resolution read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 250, being "An act to permit the State Firemen's Association to erect a monument in the capitol grounds in the city of Austin."

Also, Senate bill No. 251, being "An act to amend article 1077 of chapter 3, title 15, of the Code of Criminal Procedure, relating to fees paid for holding inquests."

Also, Senate bill No. 262, being "An act to require the Attorney-General to procure an official seal."

Also, Senate bill No. 286, being "An act to authorize the Commissioner of the General Land Office to issue patents now suspended for want of reports of county clerks."

Also, Senate bill No. 269, being "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, lunatic, blind, deaf and dumb and orphan asylum funds," and find the same correctly engrossed.

MARTIN, Chairman.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
AUSTIN, February 27, 1883.

To the Senate:

I respectfully request your concurrence and approval of the following appointments, to-wit:

For commissioners of pilots at Brazos Santiago: Samuel Gilston, A. C. Howell, Frederick Forts, James Selkirk, Henry Miller. For Galveston: C. C. Sweeney, Charles Fowler, J. N. Sawyer, Andrew Munn, Leon Blum.

JOHN IRELAND, Governor.

A message was received from the House announcing the passage by that body of substitute House joint resolutions Nos. 12, 19, 21 and 31, amending sections 4 and 6, article 7, of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

Also, substitute House joint resolutions Nos. 4, 10, 11 and 13, to amend section 3, article 7, of the Constitution.

Referred to Committee on Constitutional Amendments.

Also, the following concurrent resolution:

Resolved, That a joint committee consisting of three members of the Senate and three members of the House be appointed to confer with his Excellency the Governor, and his honor the Mayor of Austin, and make necessary arrangements to receive the distinguished Mexican citizens about to visit the Capital, consisting of ex-President Porfirio Diaz and suite.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 298, entitled "An act to require the record of official and other bonds in which the State or county is interested," have carefully examined the same, and instruct me to report the accompany-

ing substitute back with the recommendation that the substitute do pass.

All of which is respectfully submitted.

PATTON, Chairman.

Bill read first time.

Senator Fowler introduced a bill to be entitled "An act to amend article 3763, and to repeal article 3765, of the school law."

Referred to Committee on Education.

Senator Pfeuffer introduced a bill to be entitled "An act to amend section 1 of 'an act requiring the proceeds arising from the leasing or renting of county school lands, and from sales of timber thereon, to be applied exclusively to educational purposes,' approved April 25, 1879."

Referred to Committee on Education.

Senator Fleming introduced a bill to be entitled "An act for the building and completing of two State penitentiaries, with a view to the utilization of all convict labor within the walls of the several penitentiaries of the State, and to provide for the issuance of bonds therefor."

Referred to Committee on Penitentiaries.

Also, a bill to be entitled "An act to provide for the dissolution of attachments."

Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to amend sections 3 and 6 of 'an act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder,' approved March 24, 1879."

Referred to Judiciary Committee No. 1.

Senator Fleming, by leave, submitted two petitions, one from the citizens of Brown county, and the other from citizens of Texas, asking an amendment to the Constitution prohibiting the importation, sale or manufacture of intoxicating liquors as a beverage in Texas.

Referred to Committee on Constitutional Amendments.

On motion of Senator Fowler, Senator Terrell was excused for to-day, on account of important business.

Senator Peacock moved that the Senate go into executive session immediately after morning call to-morrow upon the appointments sent in by his Excellency the Governor.

Adopted.

Senator Cooper introduced, by permission, a bill to be entitled "An act to authorize S. W. Sims to sue the State of Texas."

Referred to Judiciary Committee No. 2.

Senator Pope moved to suspend the regular order of business and take up Senate bill No. 280, "An act to regulate the duties of telegraph companies, and to prescribe a penalty for the violation of the same," and make the consideration of said bill the special order for Thursday after morning call.

Adopted by the following vote:

YEAS—20.

Chesley,	Houston,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Farrar,	Kleberg,	Pope,
Fowler,	Martin,	Randolph,
Getzendaner,	Matlock,	Shannon,
Harris,	Patton,	

NAYS—2.

Davis, Traylor.

Senate bill No. 31, "An act creating, establishing and directing the laying out certain roads as first class roads," being the unfinished business, was taken up on its second reading.

Senator Kleberg offered the following amendment:

Add to section 1, "provided, this law shall not apply to counties with less than 5000 inhabitants."

Adopted by the following vote:

YEAS—13.

Chesley,	Johnston of Shelby,	Patton,
Evans,	Kleberg,	Pfeuffer,
Fowler,	Martin,	Pope,
Houston,	Matlock,	Stratton.
Johnson of Collin,		

NAYS—10.

Davis,	Gooch,	Randolph,
Farrar,	Harris,	Shannon,
Fleming,	Perry,	Taylor.
Getzendaner,		

Senator Traylor offered the following amendment:

Add to section 4, "provided, that whenever the commissioners' court shall open a first class road through enclosed lands, they shall not do so till provision is made to pay the damages allowed by law for the appropriation of private property for public uses."

Adopted.

Senator Davis offered the following amendment:

Amend by adding to section 1, "if the county is a border county, first class roads shall be opened from the county seat to the principal ferries and bridges on the State line in such counties."

Adopted.

Senator Chesley offered the following amendment:

Amend by striking out lines 13 and 14.

Adopted.

Senator Martin offered the following amendment:

Amend section 2 by adding, "provided, that in laying out such roads the commissioners' court shall have regard to lines of surveys as far as practicable."

Adopted by the following vote:

YEAS—12.

Evans,	Johnson of Collin,	Peacock,
Farrar,	Johnston of Shelby,	Perry,
Fleming,	Martin,	Pfeuffer,
Houston,	Matlock,	Stratton.

NAYS—12.

Chesley,	Gooch,	Pope,
Davis,	Harris,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Patton,	Taylor.

This being a tie vote, the President voted "aye," which adopted the amendment.

Senator Kleberg offered the following amendment:

Amend section 1 by inserting after the word "all," in line 2, the words "second and first class."

Lost.

Bill ordered engrossed by the following vote:

YEAS—12.

Chesley,	Getzendaner,	Matlock,
Davis,	Gooch,	Patton,
Evans,	Houston,	Pope,
Fowler,	Kleberg,	Traylor.

NAYS—10.

Farrar,	Martin,	Randolph,
Harris,	Perry,	Shannon,
Johnson of Collin,	Pfeuffer,	Stratton.
Johnston of Shelby,		

On motion of Senator Matlock, Senator Gibbs was excused till Wednesday, on account of sickness in his family.

On motion of Senator Fowler, Senator Collin was excused, on account of necessary absence.

Senator Stratton moved to take up House concurrent resolution with regard to appointing a joint committee to wait on the Governor and mayor of Austin, to make arrangements to receive General Diaz and other Mexican visitors.

Adopted, and the President appointed Senators Stratton, Houston and Pfeuffer on said committee on the part of the Senate.

Senator Gooch moved to suspend the regular order of business and take up Senate concurrent resolution No. 2, "Ratifying the lease of the penitentiaries of the State of Texas," and make it special order for Thursday, immediately after first special order set for that day.

Senator Pope moved to amend by inserting Monday, March 5, instead of Thursday.

Lost by the following vote:

YEAS—11.

Chesley,	Houston,	Pfeuffer,
Cooper,	Johnston of Shelby,	Pope,
Farrar,	Kleberg,	Stratton.
Fleming,	Patton,	

NAYS—13.

Davis,	Harris,	Perry,
Evans,	Johnson of Collin,	Randolph,
Fowler,	Matlock,	Shannon,
Getzendaner,	Peacock,	Traylor.
Gooch,		

Senator Matlock moved to make it Saturday morning immediately after the morning call.

Adopted by the following vote:

YEAS—24.

Chesley,	Gooch,	Peacock,
Cooper,	Harris,	Perry,
Davis,	Houston,	Pfeuffer,
Evans,	Johnson of Collin,	Pope,
Farrar,	Johnston of Shelby,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Matlock,	Stratton,
Getzendaner,	Patton,	Traylor.

NAYS—none.

Senator Gooch's motion, as amended, was adopted, and Senate concurrent resolution No. 2 made special order for Saturday, immediately after morning call, and from day to day till disposed of.

Senator Fowler moved to suspend the regular order of business and take up Senate bill No. 178, "An act to amend article 722 of the Penal Code."

Senator Cooper, chairman of the Committee on Enrolled Bill, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 108, being "An act to amend title 11, chapter 3, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 29, 1879," and find the same correctly enrolled, and have this day, at 12 o'clock m. presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared substitute Senate bill No. 41, being "An act to provide for the payment of fees to county judges, justices of the peace, district and county attorneys, and district clerks, for services rendered in certain felony cases," and find the same correctly enrolled, and have this day at 12 o'clock m. presented the same to the Governor for his approval.

COOPER, Chairman.

Senator Fowler offered the following amendment to the pending bill:

Amend by adding "and when the offense is committed by two or more persons acting together, and a firearm or other deadly weapon is used or exhibited by either of them in the commission of the offense, the person or persons so using or exhibiting the firearm or other deadly weapon shall be punished by imprisonment in the penitentiary for

life or for a term not less than five years, or at death, in the discretion of the jury."

Adopted by the following vote:

YEAS—15.

Chesley,	Fowler,	Perry,
Cooper,	Getzendaner,	Pfeuffer,
Evans,	Johnson of Collin,	Pope,
Farrar,	Matlock,	Stratton,
Fleming,	Peacock,	Traylor.

NAYS—10.

Davis,	Johnston of Shelby,	Patton,
Gooch,	Kleberg,	Randolph,
Harris,	Martin,	Shannon.
Houston,		

Bill, as amended, was ordered engrossed by the following vote:

YEAS—16.

Chesley,	Harris,	Perry,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Martin,	Pope,
Fleming,	Matlock,	Stratton,
Fowler,	Peacock,	Traylor.
Getzendaner,		

NAYS—9.

Cooper,	Houston,	Patton,
Davis,	Johnston of Shelby,	Randolph,
Gooch,	Kleberg,	Shannon.

Senator Evans moved to suspend the regular order of business and take up Senate bill No. 100, "An act to amend article 378 and article 379, of chapter 6, title 10, of the Penal Code, and add thereto articles 379a, 379b, 379c and 379d," committee amendment pending.

Committee amendment adopted, and bill ordered engrossed.

On motion of Senator Harris, Senate bill No. 297, "An act to prescribe the time for holding the terms of the district court in the several counties composing the twenty-fourth judicial district;" No. 268, entitled "An act to attach certain unorganized counties to the counties of Wheeler, Oldham and Donley, for judicial purposes;" No. 137, entitled "An act to fix the time for holding the district court in the counties of the thirteenth judicial district;" and No. 242, entitled "An act to change the times of holding the district courts in the twenty-ninth judicial district of the State of Texas," was taken up out of its regular order, and read second time.

Senator Gooch offered the following amendment:

In line 23, page 5, strike out the words "first Monday" and insert "third Monday."

Adopted.

Senator Cooper offered the following amendment:

Substitute for lines 7 to 19, both inclusive, page 7 of printed bill:

In the county of Liberty, on the second Monday after the first Mondays in March and September, and may continue in session four weeks.

In the county of Hardin, on the sixth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of San Jacinto, on the eighth Monday after the first Mondays in March and September, and may continue in session five weeks.

In the county of Angelina, on the thirteenth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Polk, on the fifteenth Monday after the first Mondays in March and September, and may continue in session five weeks.

In the county of Trinity, on the twentieth Monday after the first Mondays in March and September, and may continue in session three weeks, or until the business is disposed of.

Adopted.

Senator Davis offered the following amendment:

Amend caption by adding "tenth," so as to include tenth district, and amend further by adding another section to the bill as follows:

District court in the counties constituting the tenth judicial district shall be held as follows: In the county of Cooke, on the first Mondays in January and July, and may continue in session seven weeks; in the county of Denton, on the seventh Monday after the first Mondays in January and July, and may continue in session for seven weeks; in the county of Wise, on the fourteenth Monday after the first Mondays in January and July, and may continue in session for five weeks; in the county of Montague, on the nineteenth Monday after the first Mondays in January and July, and may continue in session until the business is disposed of. All process heretofore issued or served returnable to any of the counties of said tenth district as heretofore prescribed by law, shall be considered as returnable to its terms as herein prescribed, and all such process is hereby legalized and validated, as if the same had been made returnable to its terms as herein prescribed.

Adopted.

Senator Matlock offered the following amendment:

Amend the bill by striking out of the bill, wherever they appear, the counties of Dickens, Crosby, Lamb, Lubbock, Hockley, Cochran, Hale, Bailey and Motley.

Adopted.

Senator Harris offered the following amendment:

SECTION 15. From and after July 15, A. D. 1883, the district courts in the counties of Sabine, San Augustine and Nacogdoches, in the third judicial district, shall be held as follows:

In the county of Sabine, on the last Mondays in January and August, and may continue in session two weeks:

In the county of San Augustine, on the second Monday after the last Mondays in January and August, and may continue in session two weeks.

In the county of Nacogdoches, on the fourth Monday after the last Mondays in January and August, and may continue in session four weeks.

The courts in the other counties of said third judicial district shall be held as now prescribed by law.

Adopted.

Senator Fleming offered the following amendment:

Amend section 1 by adding in line 1, after the word "that," "after the first day of July, A. D. 1883."

And also, line 6, same section, by striking out the words "be and the same are hereby constituted," and insert the words "shall constitute."

Adopted.

Also, the following:

Add to the emergency clause the words "provided, this section shall not be construed to apply to the twelfth judicial district, as herein created."

Adopted.

Senator Matlock offered the following amendment:

Section 9, page 6, line 9, strike out "third Mondays," and insert "second Mondays;" line 11, strike out "first Mondays in May and November," and insert "fourth Mondays in April and October," and in line 13 strike out "fourth Mondays," and insert "third Mondays."

Adopted.

Senator Fleming offered the following amendment:

An amendment to section 2, striking out the county of Coleman, and providing different times for the holding of courts in certain counties:

In the county of Callahan, on the fourteenth Monday after the first Mondays in February and September, and may continue in session two weeks.

In the county of Eastland, on the sixteenth Monday after the first Mondays in February and September, and may continue in session until the business before it is disposed of.

Adopted.

Senator Pfeuffer moved to strike out section 7, and change the title of the bill accordingly.

Adopted.

Senator Matlock offered the following amendment:

Amend section 9 by adding thereto the following:

"The unorganized county of Hardeman is attached to Wilbarger county for judicial purposes."

Adopted.

Senator Farrar moved to stike out section 4.

Adopted.

Senator Harris moved to reconsider the vote engrossing the bill.

Adopted, and vote reconsidered.

Senator Martin offered the following amendment;

SEC. 2. That the district court, in the fourteenth judicial district shall be held as follows:

In the county of Falls, on the first Mondays in February and August, and continue in session six weeks.

In the county of Bell, on the third Mondays in March and September, and may continue in session eight weeks.

In the county of McLennan, on the third Mondays in May and November, and may continue in session ten weeks.

Provided, this act shall take effect as to Falls and Bell counties on the first of April, 1883, and the next term of the district court in Bell county begin on the first Monday in April.

Adopted, and bill ordered engrossed.

On motion of Senator Harris, rules were suspended to put bill on its third reading, by the following vote:

YEAS—21.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Davis,	Houston,	Perry,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Kleberg,	Randolph,
Fleming,	Martin,	Shannon,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

Bill read third time.

Senator Davis moved to amend by striking out the tenth district from caption and bill.

Adopted by the following vote:

YEAS—23.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Kleberg,	Randolph,
Evans,	Martin,	Shannon,
Farrar,	Matlock,	Stratton,
Fleming,	Patton,	Traylor.
Getzendaner,		

NAYS—1.

Johnson of Collin.

Bill passed by the following vote:

YEAS—22.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Kleberg,	Randolph,
Evans,	Martin,	Shannon,
Farrar,	Matlock,	Stratton,
Fleming,	Patton,	Traylor.
Getzendaner,		

NAYS—1.

Johnson of Collin.

Senator Martin offered the following resolution and moved its adoption:

Resolved, That the Committees on Engrossed and Enrolled Bills be and they are hereby authorized to call upon the different committee clerks of the Senate for assistance in the work of said committees.

Adopted.

On motion of Senator Houston, Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

Senator Pfeuffer moved to suspend the regular order of business and take up Senate bill No. 293, "An act to amend title 17, chapter 10, of the Revised Statutes of the State of Texas, by adding thereto articles 503a and 503b."

Adopted, and bill taken up and read second time.

Senator Martin offered the following amendment:

Strike out the word "town," and insert "such territory."

Senator Chesley offered to amend the amendment as follows:

Amend the amendment by inserting "two thirds" in place of "majority."

Lost.

Amendment of Senator Martin lost.

Senator Martin offered to further amend as follows:

"The taxes so collected shall be charged only with the cost of levying and collecting."

Adopted.

Senator Gooch offered the following amendment:

Amend the caption and body of the bill so that it will contain the following:

SECTION 2. *Be it further enacted by the Legislature of the State of Texas,* That there shall be an article added to chapter 10, title 17, of the Revised Statutes, and numbered 503c, which shall read as follows:

ARTICLE 503c. Any city or town, incorporated by general law, which has less territory than is contained in an area of one and a half miles square, and which shall have convenient territory adjoining it, may extend its boundaries so as to include such adjoining territory by a majority vote of the combined qualified voters voting of the city or town and territory proposed to be included by the extension; provided, such boundaries shall not thereby be extended so as to make such city or town contain more than an area equal to that of one and a half miles square. An election shall be ordered, to ascertain the will of the voters, by the mayor, upon the written application of fifty persons who are qualified to vote on the proposition, and within thirty days from the receipt of the application. The election shall be conducted as other city elections. This article shall not prevent the extension of boundaries as prescribed in article 503.

Adopted by the following vote:

YEAS—16.

Buchanan,	Harris,	Perry,
Chesley,	Johnson of Collin,	Randolph,
Cooper,	Johnson of Shelby,	Shannon,
Evans,	Matlock,	Terrell,
Fowler,	Peacock,	Traylor.

NAYS—10.

Davis,	Houston,	Patton,
Farrar,	Kleberg,	Pfeuffer,
Fleming,	Martin,	Stratton.
Getzendaner.		

Senator Martin moved to re-commit the bill.

Lost by the following vote.

YEAS—12.

Davis,	Houston,	Patton,
Farrar,	Johnson of Shelby,	Pfeuffer,
Fleming,	Kleberg,	Stratton,
Getzendaner,	Martin,	Terrell.

NAYS—13.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Randolph,
Cooper,	Johnson of Collin,	Shannon,
Evans,	Matlock,	Traylor.
Fowler,		

Senator Gooch offered the following amendment:

Amend by adding to article 503c the following:

"Provided, that the inhabitants and property of any new territory added to a town or city as herein provided shall not be subject to taxation on account of any pre-existing indebtedness of such town or city."

Adopted.

The Senate refused to engross the bill by the following vote:

YEAS—12.

Buchanan,	Fowler,	Peacock,
Chesley,	Gooch,	Randolph,
Cooper,	Johnson of Collin,	Shannon,
Evans,	Matlock,	Traylor.

NAYS—13.

Davis,	Houston,	Patton,
Farrar,	Johnson of Shelby,	Pfeuffer,
Fleming,	Kleberg,	Stratton,
Getzendaner,	Martin,	Terrell.
Harris,		

Senator Pfeuffer entered a motion to reconsider the vote just cast by which the Senate refused to engross the bill.

On motion of Senator Patton, the regular order of business was suspended, and Senate bill No. 298, "An act to require the record of official and other bonds in which the State or county is interested," was taken up and read second time.

As the report was in the hands of the printer, action on the bill was suspended for the time.

The President gave notice of signing Senate bill No. 126, "An act amendatory of title 83, and of the supplement thereto, of the Revised Civil Statutes."

On motion of Senator Chesley, regular order of business was suspended, and Senate bill No. 206 taken up, "An act to amend article 1056, chapter 2, title 15, of the Code of Criminal Procedure."

Bill read second time.

Senator Matlock moved to amend by striking out all from line 5 to line 21, inclusive.

Lost by the following vote:

YEAS—4.

Davis,	Matlock,	Traylor.
Farrar,		

NAYS—18.

Buchanan,	Getzendaner,	Kleberg,
Chesley,	Gooch,	Martin,
Cooper,	Harris,	Perry,
Evans,	Houston,	Randolph,
Fleming,	Johnson of Collin,	Shannon,
Fowler,	Johnson of Shelby,	Terrell.

Senator Matlock moved to further amend by striking out "five" and inserting "ten" in line 1, section 8.

Lost by the following vote:

YEAS—5.

Fleming,	Kleberg,	Randolph.
Harris,	Matlock,	

NAYS—19.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gooch,	Peacock,
Cooper,	Houston,	Perry,
Davis,	Johnson of Collin,	Shannon,
Evans,	Johnson of Shelby,	Terrell,
Farrar,	Martin,	Traylor.
Fowler,		

Senator Patton offered the following amendment:

Amend by striking out, in line 6, section 1, "whether the defendant be convicted or acquitted," and insert "when the defendant is convicted."

Lost.

Senator Davis offered the following amendment:

Strike out the first proviso, commencing in line 9.

Lost.

Senator Harris moved the previous question on the engrossment of the bill.

Motion seconded, and main question ordered.

The bill was ordered engrossed.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 40, being "An act to amend article 180, Penal Code of the State of Texas," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

On motion of Senator Harris, substitute for Senate bills Nos. 35, 73 and 75, "An act to further regulate the collection of taxes on real estate, including lands heretofore bought in by the State at delinquent tax sales," was taken up out of its regular order and read second time.

On motion of Senator Davis, the substitute reported by the committee was adopted.

Senator Traylor offered the following amendment:

Amend section 4, line 15, by striking out "such owner." Adopted.

Senator Traylor offered to amend section 3, line 2, by adding the following:

"The advertisement and sale to be made as heretofore provided by law for the advertisement and sale of land for taxes due thereon."

Adopted, and bill ordered engrossed.

On motion of Senator Harris, rules were suspended to put bill on its third reading, by the following vote:

YEAS—23.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Shannon,
Evans,	Kleberg,	Stratton,
Farrar,	Martin,	Terrell,
Fleming,	Matlock,	Traylor.
Fowler,	Patton,	

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Buchanan,	Getzendaner,	Patton,
Chesley,	Harris,	Peacock,
Cooper,	Houston,	Perry,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Terrell,
Fleming,	Matlock,	Traylor.
Fowler,		

NAYS—none.

Senator Buchanan, for Committee on Education, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 283, entitled "An act to establish and maintain a system of summer normal institutes for the better qualification of teachers," have considered the same, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 294, entitled "An act to amend article 420, chapter 4, title 17, of the Revised Statutes," have considered the same, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

The bill has for its object the giving of authority to incorporated cities and towns, in express terms, the right to issue bonds to build public free school buildings, where such cities and towns have assumed control of their public free schools.

BUCHANAN, for Committee.

Bill read first time.

Pending the motion of Senator Fleming to take up Senate bill No. 21 out of its regular order, on motion of Senator Houston, the Senate adjourned till 10 a. m. to-morrow.

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 28, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. Phillips of Anderson county.

Upon motion of Senator Martin, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 91, being "An act to diminish the civil and criminal jurisdiction of the county court of Matagorda, Live Oak, Atascosa, Donley and Archer counties, and to conform the jurisdiction of the district court of said counties to such change."

Also, Senate bill No. 157, being "An act to amend section 2 of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 480 of chapter 5, title 13, of the Penal Code, for the protection of fish and game.'"

Also, substitute Senate joint resolution No. 23, "Authorizing school districts and the levy of a special tax therein."

Also, Senate bill No. 245, being "An act to amend the charter of the city of Houston."

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Fowler, chairman of Committee on Military Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Military Affairs, to whom was referred the memorial of John M. Richardson in behalf of the veteran soldiers of the Texas revolution, have considered the same, and now instruct me to make the following report:

In the opinion of the committee Senate bill No. 32, entitled "An act to provide annual pensions for the surviving soldiers and sailors of the Texas revolution, and the surviving signers of Texas Independence, and the surviving widows of such soldiers, sailors and signers," which has passed the Senate, and is now pending in the House, provides a pension in every case authorized by section 55, article 17, and not prohibited by section 51, article 3, of the Constitution of this State, and that the Legislature has no further authority under the Constitution to provide pensions for the veterans of the Texas revolution.

The committee further instruct me to present with this report a copy of that part of the memorial which is in poetry and addressed to "The Veteran Soldiers of the Texas Revolution," and to request that the same be spread upon the journal of the Senate as a part of this report.

In view of the foregoing facts the committee recommend that no further action be taken upon the memorial.

All of which is respectfully submitted.

FOWLER, Chairman.

SAN JACINTO DAY.

TO THE VETERAN SOLDIERS OF THE TEXAN REVOLUTION.

Hail, hail, ye noble heroes all—survivors of that band,
Who years ago, on this glad day, with gallant heart and hand,
As fearless as the trusty steel of your avenging band,
The cruel tyrant routed, with his murderous command,
And gave to us, at their blood cost, this fair and fertile land.

How dark and threatening dawned that day. Yet ye in numbers few,